

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

R.S.,

Plaintiff,

VS.

COMMISSIONER OF  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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**7 : 20-CV-230 (TQL)**

**ORDER**

On September 21, 2021, the undersigned issued a Show Cause Order to Plaintiff based on the Plaintiff's failure to file a brief as required by Local Rule 9.2. (Doc. 16). In this Order, the Court ordered Plaintiff to show cause within twenty-one (21) days as to why this case should not be dismissed for failure to prosecute and for failure to follow the rules of this Court, and notified the Plaintiff of the Local Rule requiring him to file a brief regarding his claims.

Plaintiff has failed to file either a brief regarding his claims, as required by Local Rule 9.2, or a response to the Court's Show Cause Order. Under Rule 41(b) of the Federal Rules of Civil Procedure, a case may be dismissed upon a determination of a "clear record of delay or willful contempt and a finding that lesser sanctions would not suffice." *Goforth v. Owens*, 766 F.2d 1533, 1535 (11<sup>th</sup> Cir. 1985). Litigants proceeding *pro se* are not exempted from this requirement of diligent prosecution. *Moon v. Newsome*, 863 F.2d 835 (11<sup>th</sup> Cir. 1989). The Court's inherent power to dismiss cases in which the plaintiff has failed to diligently prosecute his action "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962).

A review of this action reveals a clear record of delay or willful contempt on the part of the

Plaintiff. More than nine (9) months have passed since the Commissioner filed an Answer, which triggered Plaintiff's responsibility to file a brief in support of his claims. The Plaintiff has failed to file said brief and has failed to comply with the directives of this Court. The Court finds that lesser sanctions will not suffice. Inasmuch as Plaintiff has failed to respond to the Court's Show Cause Order and has failed to follow the rules of this Court, this matter is **DISMISSED** without prejudice.

**SO ORDERED**, this 9th day of February, 2022.

s/ ***THOMAS Q. LANGSTAFF***

UNITED STATES MAGISTRATE JUDGE